

REMARKS

By this amendment, claims 1-4, 6-11, 13-18, and 20-33 are pending, in which claims 5, 12, and 19 have been previously canceled without prejudice or disclaimer, no claims are withdrawn from consideration, claims 9, 15-18, 20-24, and 27-29 are currently amended, and no claims are newly presented. No new matter is introduced.

The Office Action mailed February 22, 2008 rejected claims 15-18, 20, and 21 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, claims 22-24 and 27-29 under 35 U.S.C. § 102 (e) as anticipated by *Geissler et al.* (US 2003/0109988), claims 1-4, 6-11, 13-18, 20, 21, 25, 26, 30, and 31 as obvious under 35 U.S.C. § 103 based on *Geissler et al.* (US 2003/0109988), in view of *Godfrey et al.* (US 2005/0071079), and claims 32 and 33 as obvious under 35 U.S.C. § 103 based on *Geissler et al.* (US 2003/0109988), in view of *Godfrey et al.* (US 2005/0071079), and further in view of *Wandel* (US 6,034,623).

In response to the rejection under 35 U.S.C. § 101, Applicant has amended claims 15-18, 20, and 21 to recite a “computer-readable **storage** medium.” Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 15-18, 20, and 21 under 35 U.S.C. § 101.

Applicant respectfully traverses the rejection of claims 22-24 and 27-29 under 35 U.S.C. § 102 (e) as anticipated by *Geissler et al.*

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder Co. v. Ireco Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Independent claims 22 and 27 require the “configuration message” to configure “an **input/output (I/O) port** of the one telemetry device,” with the “**I/O port** being coupled to a corresponding one of the objects, and the one telemetry device setting parameters relating to the **I/O port** according to the configuration message.” *Geissler et al.* fails to disclose any I/O ports, let alone having those I/O ports configured in accordance with a configuration message from a user input.

The Examiner points to paragraph [0045] of *Geissler et al.* as evidence of a user input relating to configuration of a telemetry device. This portion of *Geissler et al.* does disclose that a “response signal” (configuration signal?) may be sent by a “qualified person” (a user) to a device and that a processing unit 260 in the device receives that response signal and may formulate a control signal based on that response signal. The Examiner also points to paragraph [0055] of *Geissler et al.* as evidence of the claimed I/O port configuration. However, no I/O port is disclosed therein. Paragraph [0055] relates to the device controlling the “output unit” via the control signal. The remainder of the paragraph relates to a specific example of remote control of an output unit to release a drug to a person suffering an asthmatic attack. However, no **I/O port**, as claimed, configured by a user input, and coupled to one of the objects, is disclosed in *Geissler et al.*

To the extent that the Examiner intends the “output unit” of *Geissler et al.* to be the claimed “I/O port,” the “output unit” is defined by *Geissler et al.* at paragraphs [0049] and [0050]. Paragraph [0049] describes “a component for providing various forms of feedback or stimuli to a person, animal or object **via an output unit.**” It further states that “Output units can take any form to achieve the intended function,” and then, various examples of such output units are given: “syringes, electrodes, pumps, vials, injectors, drug and/or pharmaceutical or medicinal delivery mechanism or systems, tactile simulators, etc.” The “output unit may be

integral with the Device or a separate component in communication with the ASP 200 and/or Device 100...” Paragraph [0050] gives an example of an “output unit” including “a microprocessor or logic for interpreting commands” or it “may be coupled to the microprocessor of the device.”

None of the examples of an output unit given by *Geissler et al.* constitutes or suggests an I/O port, much less the claimed I/O port of a telemetry device.

Since no I/O port is disclosed by *Geissler et al.*, the reference cannot anticipate claims 22 and 27 which specifically require an I/O port. To whatever extent the Examiner relies on *Geissler et al.* to “inherently” provide I/O ports (the Examiner does not indicate exactly what is being relied on in *Geissler et al.* for such I/O ports), even if one assumes, *arguendo*, that *Geissler et al.* inherently provides such I/O ports because the control signal must follow some connection or data path to control the output unit, the claimed subject matter is still not met. Claims 22 and 27 do not merely recite an “I/O port.” Rather, there is a special relationship between the I/O port of the telemetry device and the configuration message generated by the user input. That is, the I/O port of the telemetry device is “coupled to a corresponding one of the objects” and the telemetry device must **set the parameters of its I/O port according to the configuration message**.

Since *Geissler et al.* neither discloses nor discusses an I/O port of devices 100, it cannot be said to teach a setting of parameters of that I/O port in accordance with a user configuration message. At best, it can be said that, in *Geissler et al.*, the device 100 controls an output unit via the control signal derived by a user response signal, but there is no indication anywhere in *Geissler et al.* that any I/O port of the device 100 is **configured in accordance with a configuration message from a user**, as required by the instant claims.

Since *Geissler et al.* fails to teach all of the elements of claims 22 and 27, as well as the specifically claimed relationship between those elements, *Geissler et al.* cannot anticipate claims 22-24 and 27-29. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 22-24 and 27-29 under 35 U.S.C. § 102 (e).

Moreover, assuming, *arguendo*, that claims 22 and 27 can be considered to be anticipated by *Geissler et al.*, an assumption with which Applicant disagrees, claims 23, 24, 28, and 29 are separately patentable because they include further claim features that are not taught by *Geissler et al.*

In particular, claims 23 and 28 depend, respectively, from claims 22 and 27, and further include the features of “receiving **another user input** to instruct the fleet and asset management system to transmit a control message to the one telemetry device, in response to the control message the one telemetry **device controlling one of the objects via the I/O port and status of the I/O port**” (claim 23) and “**another user input** is received instructing the fleet and asset management system to transmit a control message to the one telemetry device, in response to the control message the one telemetry **device controlling the corresponding one of the objects via the I/O port**” (claim 28).

Thus, even if one assumes, *arguendo*, that *Geissler et al.* discloses a first user input relating to the configuration of one of the telemetry devices, *Geissler et al.* clearly does not disclose **another user input** for instructing the system to transmit a control message to the telemetry device and that in response to this control message, controlling, by the telemetry device, one of the objects via the I/O port. In fact, the Examiner points to the same paragraph [0055] of *Geissler et al.* as a disclosure of both the “user input” of claims 22 and 27, and the “another user input” of claims 23 and 28. To the extent that this portion of *Geissler et al.* discloses a user input, it cannot be a disclosure of both “a user input” and “another user input,” as

claimed. Claims 23 and 28 require two distinct user inputs, and *Geissler et al.* clearly does not disclose two such user inputs.

Moreover, for the reasons above, *Geissler et al.* does not disclose the I/O port as claimed in claims 22 and 27, but, more so, the reference clearly does not disclose a control message causing a telemetry device to control an object “via the I/O port **and status of the I/O port**,” as in claim 23. That is, claim 23 requires the control message generated in response to the “another user input” to cause the telemetry device to control **both** the object (via the I/O port) **and the status of the I/O port**. Even if the Examiner could arguably find, through inherency, that *Geissler et al.* teaches the control of an object via an I/O port, and Applicant contends that any such finding is unreasonable, there is still no teaching, or even a suggestion, that any telemetry device in *Geissler et al.* controls the **status** of an I/O port.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 23, 24, 28, and 29 under 35 U.S.C. § 102 (e) for reasons in addition to the above reasons with regard to claims 22 and 27.

Applicant further respectfully traverses the rejections of claims 1-4, 6-11, 13-18, 20, 21, 25, 26, 30, and 31 as obvious under 35 U.S.C. § 103 based on *Geissler et al.* in view of *Godfrey et al.* and claims 32 and 33 as obvious under 35 U.S.C. § 103 based on *Geissler et al.* in view of *Godfrey et al.* and further in view of *Wandel*.

Independent claims 1, 8, and 15 all require a “programmable input/output (I/O) port of the one telemetry device” and there is no indication in either *Geissler et al.* or *Godfrey et al.* of any I/O port, much less a **programmable** I/O port. The Examiner purports to find such a teaching in *Geissler et al.* at paragraphs [0048], [0055], [0058], and [0022]. For the reasons above, paragraph [0055] clearly discloses no such “programmable I/O port.” Paragraph [0022] relates to a programmable “**clock**,” but neither mentions nor suggests a programmable I/O port.

Paragraph [0048] recites “updateable firmware” in the Device 100, but the ability to update firmware in the device itself by configuring the device for updating by plugging it into a computer and running an update program, provides no teaching or suggestion of a programmable I/O port, especially a programmable I/O port that is configured by a configuration message, wherein the telemetry device sets parameters relating to the I.O port in accordance with a configuration message, as claimed. Paragraph [0058] relates to a power-saving feature to prolong the battery life of the Device 100, but there is no teaching or suggestion herein of any programmable I/O port, as claimed. This failure of the applied references to disclose or suggest the claimed “programmable I/O port” is sufficient grounds for the Examiner to withdraw the rejection of the claims under 35 U.S.C. § 103 and such withdrawal is respectfully requested.

Moreover, *Godfrey et al.* does not provide for this deficiency of *Geissler et al.*, *Godfrey et al.* being applied for an alleged teaching of receiving a location data request for an Assisted-Global Positioning System (A-GPS). The Examiner finds that it would have been obvious to modify the teachings of *Geissler et al.* to include an A-GPS system “because doing so allows for better tracking of objects” (Office Action of February 22, 2008-page 8). To whatever extent that *Godfrey et al.* suggests an A-GPS system, Applicant does not deny that A-GPS systems, per se, were known. However, merely because A-GPS systems existed is no reason, within the meaning of 35 U.S.C. § 103, to find it obvious to include such a system within the system of *Geissler et al.* There must be some reason that stems from the prior art or the knowledge of skilled artisans that would have led the artisan to make such a modification to *Geissler et al.* The Examiner’s rationale of “better tracking of objects” fails to explain why the artisan viewing the system of *Geissler et al.* would have sought “better” (whatever the Examiner intends by that term) tracking of objects when the system of *Geissler et al.* appears to do just fine tracking objects. That is, there is nothing to suggest to artisans that any modification to the system of

Geissler et al. would have been desirable, nor of why or how any such modification would have been made. *Wandel* fails to provide for the deficiencies of the primary references. Accordingly, the Examiner's rationale for making the combination is deficient and, therefore, no *prima facie* case of obviousness has been established. Thus, again, the Examiner is respectfully requested to withdraw the rejections of claims 1-4, 6-11, 13-18, 20, 21, 25, 26, and 30-33 under 35 U.S.C. § 103.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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